

FILED

AUG - 8 2013

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY SM DEPUTY

United States of America

vs.

(1) Elvin R Estrella
Defendant

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§

Case Number: MO:13-CR-00222(1)-RAJ

ORDER SETTING DOCKET CALL

TAKE NOTICE that the above entitled case has been set before the U.S. MAGISTRATE JUDGE DAVID COUNTS in MIDLAND-ODESSA, Texas, Midland Magistrate Courtroom, 200 E. Wall, MIDLAND-ODESSA, Texas for a hearing. The purpose of the hearing is for a **DOCKET CALL** to be held on September 4, 2013 at 10:00 a.m..

Non-detained defendants and counsel must **PERSONALLY** present for the docket call. If a detained defendant desires to be present, counsel must notify the Courtroom Deputy of the Magistrate, **Cristina Lerma** at (432) 570-5685 and the **United States Marshals Service** at (432) 686-4100, **forty eight (48) hours before the docket call**. Government Counsel is expected to be present for the docket call. The following instructions should be understood by counsel and the defendant:

Requests for Continuance of Docket Call

- 1) Any motions for continuance for the appearance of counsel and/or the defendant at the docket call must be filed on or before the close of business on August 30, 2013. The motion should be styled "Motion for Continuance of Docket Call" so that it may be distinguished from a motion for continuance for the trial setting. The motion must be filed with the Clerk of Court.

Resolution Prior to Trial

- 2) At the docket call, the parties are expected to announce the status of the case. If a defendant intends to enter a plea of guilty, he or she must enter the plea on or before the close of business on September 19, 2013. Coordination of a time for a plea before a District Judge must be accomplished by notifying Shannon Dearing LaForge at (432) 686-4004. If the defendant desires to present the plea to the Magistrate Judge, coordination should be accomplished through Dwendy Pennell at (432) 570-5437, with further notification to be provided by defense counsel to the respective District Judge's courtroom deputy clerk handling the specific case as noted above.

Avoiding Necessity of Appearance if "Ready for Trial"

- 3) If the defendant anticipates a trial and defense counsel will answer "Ready for Trial", then an appearance by the defendant and defense counsel can be avoided by filing a written announcement of "Ready" prior to August 30, 2013.

Jury Trial Dates and Motion for Continuance

- 4) Jury selection and trial will be set for October 7, 2013 at 9:00 a.m.. Counsel are responsible for contacting Shannon Dearing LaForge at (432) 686-4004 regarding dates for trial. If defense counsel or defendant intends to have a trial and cannot be ready for trial as the matter is currently scheduled, then a motion for continuance of trial must be brought to the docket call and delivered to the Courtroom Deputy of the Magistrate Judge. Do not file the motion for continuance prior to the docket call without leave of court or it will be denied and must later be reurged, if still desired. The only exceptions to this policy would be for matters which develop subsequent to the time of that deadline. The motion should be styled "Motion for Continuance of Trial Setting." The motion should state with great specificity the basis for the motion.

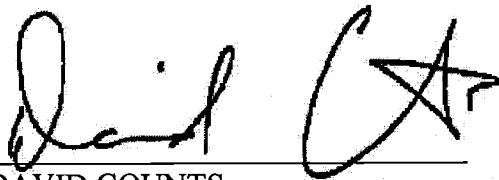
Plea Bargain Deadline

- 5) The plea bargain deadline for this case is September 19, 2013.

Duty to Notify Defendant

- 6) Defense counsel are reminded to their duty to notify the defendant of the defendant's required appearance at docket call.

It is so **ORDERED**.



DAVID COUNTS
U.S. MAGISTRATE JUDGE

THIS NOTICE WAS PROVIDED TO:

Defense Counsel
U.S. Attorney
U.S. Marshals Service
U.S. Probation
U.S. Pretrial Services
Court File